IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1556 OF 2006

Ramlakhan V. Yadav .... Petitioner

Vs.

Municipal Corporation of Greater Mumbai & Ors. .... Respondents

Mr. M.K. Upadhyay for the Petitioner.
Mr. S.D. Patil for the Respondents

CORAM : R.M. SAVANT, J.
DATE : 13TH JUNE, 2007

P.C.

1) This petition impugns the order dtd. 9/12/2005 passed by the learned Judge of the City Civil Court, Bombay dismissing the Chamber Summons no. 702 of 2005. The petitioner has filed L.C. Suit no. 3894 of 2003 for injunction against the respondents from demolishing the suit structure. It is the case of the petitioner that subsequent to the filing of the suit the structure has been demolished and the petitioner has adopted appropriate proceeding against the respondents herein, in respect of the said demolition, the Chamber Summons has been filed for amendment by the

petitioner on the ground that it has come to his knowledge that a developer has been appointed to carry out the development work on the plot of land in question. The petitioner therefore wanted to arraign the said developer as party to the said suit. It is the case of the petitioner that he has also a right to allotment of alternate site and therefore it is necessary to arraign the said developer as a party defendant.

2) The reasons given by the trial Court for dismissal of the Chamber Summons cannot be faulted with. In that view of the matter, no interference is called for. In case the petitioner has any claim for allotment of alternate site, he may adopt such proceeding as he is entitled to in law.

3) With the aforesaid observations, the petition is dismissed.

(R.M. SAVANT, J.)